

REMARKS

Claims 102-109, 111, 112 and 122-129 are pending, of which claims 102 and 122 are in independent form.

Claims 102 and 122 are amended as set forth above. Support for the amendments may be found at least in respect of paragraph [0004] and FIG. 5 of U.S. Patent Application Publication US 2001/0005857 corresponding to the present patent application, *inter alia*.

No new matter is added hereby.

Applicant is highly appreciative of the Examiner's thoughtful analysis and helpful suggestions provided over a number of informal interviews with respect to the pending Office Action.

Entry of the amendments and favorable reconsideration of the present patent application are respectfully requested.

Regarding the Claim Rejections - 35 U.S.C. § 112

In the pending Office Action, claims 102-109, 111, 112 and 122-129 stand rejected under 35 U.S.C. § 112 (pre-AIA), first paragraph.

As currently constituted, base claims 102 and 122 have been amended to delete the phrase "without a connection therewith".

Applicant respectfully submits that the pending § 112 rejections have been overcome or otherwise rendered moot by way of the present response.

Base claims 102 and 122 are also amended to embrace a key aspect of the present patent application, which is to avoid sending commands from a mobile device to an associated host system via a communication link, wireless or otherwise, to facilitate downloading of user data items to the mobile device. In view of this key aspect, taken in conjunction with the software functionality of the claimed wireless mobile data communication device as set forth in the flowchart of FIG. 5, for example, where it is clearly mentioned that the device "wait[s] for messages and signals", one skilled in the art will recognize that the claimed wireless mobile data communication device does not transmit commands to the host system in order to facilitate downloading of user data items.

With respect to *Eggleston* (U.S. Patent No. 5,764,899), Applicant submits that the architecture disclosed therein necessarily requires either (i) sending user events from the mobile station (MS/client) to the server by way of registration messages involving communication objects; or (ii) receiving a paging instruction from the server so that the MS/client can

initiate a registration request. See column 6, lines 25-32; see also FIG. 3. One skilled in the art will recognize that such registration messages involving communication objects are necessary to facilitate synchronization of the messages to the MS/client because without registration, the server in *Eggleston* will not process and transmit/download the messages to the MS/client. It should be appreciated that two conditions must occur in *Eggleston* for downloading of the messages: (i) registration commands by the MS/client; and (ii) periodic query for mail by VSM (see step 320 in FIG. 3). Therefore, each of these conditions is a necessary facilitator for purposes of downloading of messages to the MS/client. Inasmuch as the registration messages are a sine qua non for downloading, they function as commands or instructions to the server to facilitate downloading of messages (although not as a sufficient condition, however) to the MS/client in the architecture of *Eggleston*.

At least for the foregoing reasons, pending base claims 102 and 122 as currently constituted as well as their respective dependent claims are distinguishable over *Eggleston* and any art combination relying thereon.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No request for extension of the response period is being made. Accordingly, it is believed no fees are due for the filing of the present response. If any fees are due and/or any overpayments have been made, however, please charge and/or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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